

EXHIBIT “A”

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ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
LAWRENCE COLEMAN,

Plaintiff,

Index No.

-against-

CV-16-3462

TOWN OF HEMPSTEAD, and TOWN OF

(SJF) (SIL)

HEMPSTEAD SANITATION DEPARTMENT,

Defendants.
-----x

100 Garden City Plaza
Garden City, New York

March 16, 2017
10:30 a.m.

Deposition of LAWRENCE J. COLEMAN,
the Plaintiff herein, taken by the Attorney
for the Defendants, pursuant to Notice, before
Bonnie Kreuzburg, a Notary Public of the State
of New York.

A P P E A R A N C E S:

JONATHAN A. TAND & ASSOCIATES, P.C.

Attorneys for Plaintiff

900 Stewart Avenue, Suite 130

Garden City, New York 11530

BY: JENNIFER SPIRN, ESQ.

BERKMAN, HENOCH, PETERSON

PEDDY & , P.C.

Attorneys for Defendants

100 Garden City Plaza, Suite 300

Garden City, New York 11530

BY: DONNA A. NAPOLITANO, ESQ.

ALSO PRESENT:

FRANCESCA CAPITANO, ESQ.

Town of Hempstead, Department of

Sanitation

S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED,
by and between the attorneys for the
respective parties hereto, that the sealing
and filing of the within deposition be waived;
that such deposition may be signed and sworn
to before any officer authorized to administer
an oath with the same force and effect as if
signed and sworn to before a Justice of this
Court.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form, are
reserved to the time of trial.

IT IS FURTHER STIPULATED AND AGREED
that the within examination and any
corrections thereto may be signed before any
Notary Public with the same force and effect
as if signed and sworn to before this Court.

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L. J. Coleman

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A. Yes.

Q. So notwithstanding that the department was corrupt, you would still get full-time employment, correct?

A. Correct.

Q. And would you be required to pay someone in order to get that full-time employment?

A. Through going through the list, no.

Q. Did you ever record any of your conversations with Pete Giordano?

A. No.

Q. Did you ever record any of your conversations with Mr. Smith?

A. No.

Q. Next, you said you spoke to Charlie Solito.

A. Yes.

Q. What was your conversation with Charlie Solito?

A. I was also inquiring about a full-time position with him.

Q. So were your conversations with

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Smith, Giordano and Solito all around the same time?

A. Yes.

Q. Were you thinking that each one of them would give you a different response?

A. Yes. I was hoping.

Q. Because you weren't satisfied with the fact that you were whatever number on the list and that you would eventually be made full time?

A. Yes.

Q. So you wanted to be full time immediately, correct?

A. Correct.

Q. You wanted to jump over all the other people who already were on the list who worked 1,600 hours and be made full time, correct?

A. I was there longer than them.

Q. Well, you may have been there longer than them, but you never worked 1,600 hours to get on the list, correct?

A. Correct.

Q. Because that is one of the

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this Notice of Discipline and Charges?

MS. NAPOLITANO: Withdrawn. Let
me ask a better way.

Q. Did you make the decision to
resign your position with the Department of
Sanitation due to the issuance of this Notice
of Discipline and Charges on 2/27/15?

A. This was part of my reason.

Q. What were the other parts of your
reason?

A. The fact that I wasn't full time.

Q. However, when you resigned, you
knew that you were probably within a year of
being made full time, correct, based on your
position on the Tosner list, correct?

A. No. I was told two years.

Q. Who told you that?

A. Rita Miller.

Q. So Rita Miller told you it would
be another two years.

Do you know if there would have
been any possibility that that would have
happened sooner than two years?

A. No.

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Q. So you had worked already ten years for the Town and you were not willing to wait another two years to be made full time, which is what you wanted?

A. Correct.

Q. And no one told you to resign, correct?

A. Correct.

Q. This discipline, the 2/27/15 discipline, did you appeal or grieve this discipline with the union?

A. I don't recall.

Q. Did you speak to anyone in the union; Pete Giordano Charlie Solito or A. J. Smith with regard specifically to this discipline?

A. Specifically, I don't remember.

Q. Did you advise any one of them, and when I say them, I mean Smith, Giordano or Solito, that you were going to resign?

A. No.

MS. NAPOLITANO: This is a good time to stop.

(Whereupon a luncheon recess was

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2 Q. On one of the recordings, and I
3 don't know who said this to you because I
4 can't identify the voices, someone --

5 MS. NAPOLITANO: Withdrawn.

6 Q. Who is Tommy Catch?

7 A. Tommy Catch, he is a supervisor.
8 I believe more than supervisor. I'm not sure
9 I have his exact title.

10 Q. So when he's referred to on the
11 recordings as Tommy Catch, whoever is speaking
12 is referring to?

13 A. To Thomas Cacciapaglia.

14 MS. NAPOLITANO: Off the record.

15 (Whereupon a discussion was held
16 off the record.)

17 Q. One of the recordings that you
18 made, someone, and I don't know who it is,
19 said to you I got news for you, some day,
20 somehow you'll be on a truck some day, and
21 some guy is going to lose his brakes on the
22 street, and in the next six months, run you
23 over, and whether you put them in jail or not,
24 you will be watching the trial from heaven."
25 And there's laughing.

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Did you take that as a direct
threat against you?

A. Yes.

Q. Do you remember who said that to
you?

A. Yes.

Q. Who said that to you?

A. Richard Solito.

Q. And was he talking about if this
information, these recordings would get out,
this is what would happen?

A. Yes.

Q. Do you recall, as you sit here
today, who else was with you at the time that
you made this recording that laughed after
that comment was made?

A. Yes.

Q. And who was it?

A. Donald Eduard, Rafael Christian
and Mitchell Thompson.

Q. Mitchell Thompson, you said?

A. Yes.

Q. Do you recall where you were?

A. We were at a park inside of a

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building at a park in East Meadow.

Q. Speno Park?

A. I'm not sure if it was Speno. I don't recall exactly.

Q. And how did this conversation arise? What were you talking about that resulted in Rich Solito saying some day you are going to be on the back of a truck and they're going to lose their brakes?

A. Conversations like this would happen on almost a daily basis between peers and superiors in various situations throughout -- throughout my tenure with the Town. But to recall specifically how that conversation came about, I don't recall exactly.

Q. And Donald Eduardo, Raphael Christian and Mitchell Thompson, are any of those supervisors?

A. No.

Q. So they were all peers with you?

A. Yes.

Q. Were they contributing to the conversation that you were having with Rich?

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A. Yes.

Q. They were?

A. Yes.

Q. They weren't just sitting there?

A. No.

Q. Were they saying similar things
as Mr. Solito was saying?

A. No. They were mainly, I guess,
curious as to the information he was sharing.
Somewhat surprised by the -- by what he was
saying, coming from somebody on the inside.

Q. Now, just prior to Mr. Solito
saying that you would be on a truck some day,
you said to him, so you tell me, if I bring a
recording in, bring in Channel 12 news up
here, and then he said what he said?

A. That wasn't me who said that.

Q. Okay. Who said that?

A. Donald Eduard said that.

Q. Donald said that, okay.

So Solito was reacting to
Mr. Eduardo saying if I bring up News 12,
what's going to happen?

A. Correct.

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recordings?

A. Those are the only ones I have.
If there was -- no, those were the only ones
that I have that I recorded.

Q. So you weren't actually recording
all of your conversations, then as you just
testified to?

A. Any time I thought I was going to
be interacting with any of my superiors, yes,
I began recording.

Q. And what was the purpose of
recording your supervisors?

A. I felt like I needed evidence to
back up my claims.

Q. So during the period of time that
you were recording, it was prior to your
resignation?

A. Yes.

Q. So you had made the decision that
prior to resignation you were going to bring a
lawsuit against your employer?

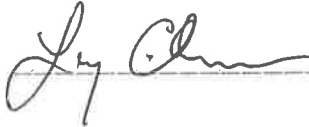
A. I hadn't come to a confirmed -- a
100 percent positive decision about -- about
resigning or bringing a lawsuit at that time.

L. J. Coleman

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are closing the transcript for today to
be picked up on March 24th.

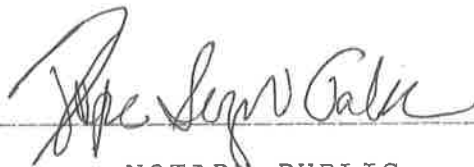
(Time Noted: 5:20 p.m.)



LAWRENCE J. COLEMAN

Subscribed and sworn to before me

this 3 day of August, 2017.



NOTARY PUBLIC

HOPE SENZER GABOR
Notary Public, State of New York
No. 016A4843233
Qualified in Nassau County
Commission Expires August 31, 20 17

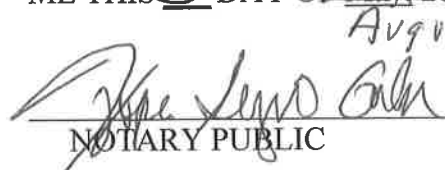
ERRATA SHEET

Coleman
CASE NAME: ~~Coleman~~ v. Town of Hempstead, et al.
DATE OF DEPOSITION: March 16, 2017
NAME OF WITNESS: Lawrence Coleman

PAGE	LINE	CHANGE	REASON
171	24	Word away to And	


Lawrence Coleman

SUBSCRIBED AND SWORN TO BEFORE
ME THIS 3 DAY OF ~~May~~ August, 2017


NOTARY PUBLIC

HOPE SENZER GABOR
Notary Public, State of New York
No. 01GA4843233
Qualified in Nassau County
Commission Expires August 31, 2017

Page # 197 Lines 12-14 I don't believe the town made this document up regarding drug testing but I believe they purposely moved my name to the top of the list at that time.